1945. **File No.** O. Ports/45

Legal Department.

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Subject:— Opinions under the Indian Ports Act of 1908.

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In exercise of the powers conferred by the sub-section (1) of section 18A of the Trade Disputes Act, 1929, the Government of Bombay has by its Order No.4708/34 dated 1st August 1945 appointed certain officers to be conciliation officers in respect of trade disputes pertaining to mines or oil fields or arising in the major port of Bombay.

2. "Major port" as defined by section 3(8) of the Indian Ports Act, 1908, means any port which the Central Government may by notification in the Official Gazette declare, or may under any law for the time being in force have declared, to bea major port. The Port of Bombay is stated to be the only major port in the Province of Bombay. "Port" as defined by section 3(2) of the Bombay Port Trust Act, 1879, means the Port of Bombay within such limits as may, from time to time, be defined by the Central Government for the purposes of this Act, by notification in the Official Gazette, and until a notification is so issued, within such limits as may have been defined under section 73 of the Bombay Port Trust Act, 1873, for the purposes of that Act.

3. In exercise of the powers conferred by section 3(2) of the Bombay Port Trust Act, 1879,

Government has by its notification, Political Department, No.6204-A dated 6th June 1930, defined the limits of the Port of Bombay for the purpose of that Act as those notified under section 5 of the Indian Ports Act, 1908. The limits ofthe Port of Bombay have been defined in the notification, Political Department, No.6204 dated 6th June 1930, issued under section 5 of the Indian Ports Act, 1908. The western limits of the Port of Bombay are stated to be inter alia "the eastern shore of the Island of Bombay from the boundary pillar situated on the south bank of the Chandni Creek to the southern extremity of Colaba Point, thence the shore of Back Bay to Malabar Point.....". The notification further declares that the Port limits are extended to and include all water and land usually covered by water within the Prince's, Victoria and Alexandra Docks and any extension of the Docks. The Note at the foot of the notification explains that the word "shore" is intended to mean the high water mark as defined in section 4(4) of the Indian Ports Act, 1908, i.e., the highest point reached by ordinary spring tides at any season of the year.

4. It is clear from these two notifications that the limits of the Port of Bombay under the Indian Ports Act, 1908, are coextensive with those over which the Bombay Port Trust has jurisdiction under the Bombay Port Trust Act, 1879. The limits extend beyond the shore i.e. the high water mark and include all water and land usually covered by water within the Prince's, Victoria and Alexandra Docks and any extension of the Docks. The expression "land usually covered by water" obviously refers to dock basins and dry docks from which the sea water is from time to time drained off and does not include wharves and other dock lands. If, as observed by A(H), many of the trade disputes must necessarily be those arising on land in the Port Trust area, a reference to the Government of India would, it seems, be necessary for the purpose of ascertaining whether the notification issued in connection with the appointment of conciliation officers will cover the disputes the Government of India have in mind and if not what amendments the Government of India desire for achieving the object in view.

P.N.M. 7/9/45.

o c Remembrancer of Legal Affairs.

U.O.to P.& S.Deptt.,No.6666,dt.12th September 1945